

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-596

NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION — ADVERSE
ABANDONMENT — NEW YORK CROSS HARBOR RAILROAD
IN BROOKLYN, NY

Decided: June 10, 2003

In a decision served on May 12, 2003 (May 12 decision), which is currently scheduled to become effective on June 11, 2003, the Board granted the adverse abandonment application filed by the New York City Economic Development Corporation (NYCEDC) on behalf of the City of New York (the City). The May 12 decision authorizes the abandonment of the tracks and facilities at the Bush Terminal Yards (a/k/a “First Avenue Yards”) and the 51st Street floatbridge and related tracks at the Harborside Industrial Center (a/k/a “Brooklyn Army Terminal”) (jointly the tracks and facilities), in Brooklyn, Kings County, NY. The tracks and facilities are owned by the City and leased to the New York Cross Harbor Railroad (NYCH), which operates over them.¹

On May 16, 2003, NYCH filed a petition for stay pending judicial review. In a letter filed on May 21, 2003, seven shippers expressed their support for NYCH’s stay request. Also, on May 21, 2003, NYCEDC filed a request for an extension of time to file its reply to the stay petition. NYCEDC replied in opposition to a stay on May 27, 2003.² On June 2, 2003, NYCH filed a petition for reconsideration of the May 12 decision.

Until the Board has had an opportunity to address the issues raised in NYCH’s petition for reconsideration, a postponement of the effective date is appropriate. The Board expects to act

¹ NYCH was authorized to conduct common carrier operations over the City-owned tracks and facilities involved here (as well as certain other related tracks and facilities) by the Board’s predecessor agency, the Interstate Commerce Commission, in New York Cross Harbor Railroad Terminal Corp.—Exemption for Operation and Issuance of Securities, Finance Docket No. 30183, et al. (ICC served July 15, 1983).

² Because no party will be prejudiced, NYCEDC’s request for an extension will be granted, and its late-filed reply will be considered.

promptly on that petition and therefore, this postponement is issued for “housekeeping” purposes only, to permit the orderly consideration of the arguments raised in NYCH’s petition for reconsideration.³

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The effective date of the May 12, 2003 decision is stayed pending further action of the Board.
2. This decision is effective on its service date.

By the Board, Roger Nober, Chairman.

Vernon A. Williams
Secretary

³ NYCH’s petition for a stay pending judicial review will be considered, as appropriate, in a subsequent decision.